

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-CR-00104-MOC-SCR**

UNITED STATES OF AMERICA)
)
)
v.)
)
MARTINIZE DEYAUN PERRY,)
)
)
Defendant.)

THIS MATTER is before the Court on Defendant's Motion to Seal (the "Motion"). (Doc. No. 19). Defendant seeks to seal his motion to dismiss, including briefing and exhibits (together the "Motion to Dismiss") (Doc. Nos. 21 & 21-1). The Court grants in part and denies in part the Motion.

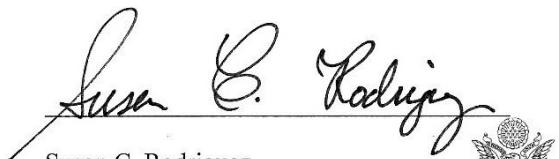
Having carefully reviewed the record and the applicable law, the Court finds that certain portions of the Motion to Dismiss, including certain exhibits, may be properly sealed under the Court's Local Rules due to certain personal and confidential information therein. However, the Court concludes that much of the Motion to Dismiss that Defendant requests to seal is not appropriate for sealing, including, for example, discussion of general standards and applicable case law, and that sealing the Motion to Dismiss in its entirety is not warranted here. See LCrR 49.1.1 ("To further openness in criminal case proceedings, there is a presumption under applicable common law and the First Amendment that pleadings filed in this Court will be filed unsealed."); see also *Press-Enter. Co. v. Superior Ct. of Cal.*, 478 U.S. 1, 9 (1986). Accordingly, the Court will order Defendant to file an unsealed, but redacted version of the Motion to Dismiss and supporting briefing for the public record. The exhibits to the Motion to Dismiss may remain under seal, with

the exception of any exhibits that are publicly available news articles or obituaries which should be filed with a redacted copy of the Motion to Dismiss and supporting briefing.

IT IS, THEREFORE, ORDERED that Defendant's Motion to Seal (Doc. No. 19) is **GRANTED IN PART** and **DENIED IN PART**. Within fourteen days of this Order, Defendant shall file an unsealed, redacted version of his sealed Motion to Dismiss as set forth herein.

SO ORDERED.

Signed: October 25, 2023



Susan C. Rodriguez
United States Magistrate Judge

